REMARKS

Applicant appreciates Examiner's assistance and respectfully requests reconsideration and allowance of the subject application.

Rejections of the Claims

Double Patenting Rejection

The Office rejects claims 1 and 3-5 on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1, 12, 18, of U.S. Patent No. 6,862,617. As discussed per the telephone interview, U.S. Patent No. 6,862,617 is Applicant's patent, which was subject to a restriction requirement during prosecution. The instant application is a divisional application filed as a result of the restriction requirement. Per the Examiner interview, the Office will decide whether the double patenting rejection is improper because the present application is a divisional application resulting from a required restriction of the cited parent application. Applicant assumes the double patenting rejection will probably be withdrawn by the Office.

Rejections under 35 USC § 102(e)

The Office rejects claims 1-5 under 35 USC § 102(e) as being anticipated by U.S. Patent No. 5,974,238 to Chase ("Chase" or the "Chase reference").

Claim 1

Claim 1 defines a method of synchronizing objects between two devices when some of the objects are intermittently unavailable on one of the devices, wherein the method prevents the devices from deleting an object when its corresponding object on the other device is unavailable during synchronization processes that try to automatically delete such objects, including:

> creating a list of the objects to update on a first computing device and a second computing device, wherein the objects on the second computing device are updated using corresponding objects on the first computing device; and
> if an object is on the list, then instructing the second computing device to refrain from updating the object when the first computing device cannot access the corresponding object.

Although the Chase reference discloses an apparatus for performing dynamic synchronization between data sets stored in a handheld computer and a host computer, Chase does not show or disclose every element of Applicant's claim 1. In Chase, "data coherency is achieved" and shared data is synchronized between a host and handheld computer by a data synchronization engine resolving *any differences* and facilitating storage of the shared data sets in both computers (Chase, column 3, lines 41-45, emphasis added). Data synchronization in Chase is by "...a write to system memory [which] results in the creation, modification or deletion of data on either the handheld or host computer (Chase, column 3, lines 37-39)." Chase does not show or disclose the automatic prevention of object deletion on one computing device when the corresponding object on the other

computing device is unavailable during synchronization processes that try to automatically delete such objects, as in Applicant's claim 1.

The method of Applicant's claim 1 describes the synchronization of data objects between two computing devices, with an added instruction for the second computing device to refrain from updating an object when the first computing device cannot access the corresponding object, such as when a storage or memory card containing an application for use in a portable computing device is not placed in the device and is therefore unavailable. This prevention of the deletion of unavailable data during synchronization processes that try to automatically delete such data, in Applicant's claim 1, distinguishes Applicant's data synchronization method. The Chase reference does not show or disclose this element of Applicant's claim 1 and therefore does not anticipate claim 1 under USC §102(e).

Since Chase does not show or disclose all the elements of Applicant's claim 1, Applicant suggests that Claim 1 is allowable over the Chase reference.

Claim 2

For at least the reasons set forth above with respect to claim 1, Applicant submits that claim 2, as amended, is also allowable. Dependent claims contain the language of the claims from which they depend. Claim 2 depends from claim 1. Therefore, claim 2 should also be allowable.

Claim 3

Claim 3, defines a method of maintaining contemporaneous data items within corresponding objects when one of the corresponding objects has new data

items, wherein the method prevents devices from deleting an object when its corresponding object is unavailable during synchronization processes that try to automatically delete such objects, including:

> listing pairs of corresponding objects, wherein a first member of each pair resides on a first computing device and a second member of each pair resides on a second computing device;
> synchronizing each available pair of objects with new data items from either object in the pair; and
> protecting an object and the data items it contains from deletion during synchronization if a corresponding object in a listed pair is unavailable.

Applicant submits the Chase reference does not show or disclose every element of Applicant's claim 3, for similar reasons as explained for claim 1. Chase does not show or disclose a method for preventing a first computing device from deleting data objects during data synchronization processes that try to automatically delete such objects when the corresponding object is unavailable in the second computing device. In contrast, Chase discloses data synchronization via a data synchronization engine that resolves *any* differences in the shared data set and facilitates storage of the shared data sets in both computers (Chase, column 3, lines 41-45). Chase does not disclose protecting a data object from deletion during synchronization if a corresponding object is unavailable, as in Applicant's claim 3.

Since Chase does not show or disclose all the elements of Applicant's claim 3, Applicant suggests that claim 3 is not anticipated under §102(e) and is allowable over the Chase reference.

Claim 4

Claim 4 defines a method of maintaining contemporaneous corresponding objects on a first and a second device throughout synchronization processes that try to automatically delete such objects, wherein the method prevents the devices from deleting an object when its corresponding object is unavailable, including:

> creating a list of corresponding objects prior to the synchronization;
> during synchronization, determining if an object on the list exists in the first device;
> if the object does not exist in the first device then determining if the object exists in the second device; and
> if the object exists in the second device then protecting the object from deletion caused by the synchronization and allowing the first device to access the object or providing the object to the first device.

Applicant submits that the Chase reference does not show or disclose every element of Applicant's claim 4, for similar reasons as discussed for claim 1. The Chase reference does not show or disclose a method for preventing a first computing device from deleting data objects during data synchronization processes that try to automatically delete such objects when the corresponding object is unavailable in the second computing device, as in Applicant's claim 4.

Since Chase does not show or disclose all the elements of Applicant's claim 4, Applicant suggests that Claim 4 is allowable over the Chase reference.

Claim 5

Claim 5, as amended, defines a synchronization method for computing devices, wherein the method prevents devices from deleting an object when its corresponding object is unavailable during synchronization processes that try to automatically delete such objects, including:

creating a list of corresponding objects stored on two computing devices;

communicatively coupling the two computing devices for synchronization; and

preventing deletion of the object during synchronization when the corresponding object is unavailable and the object is on the list.

The Chase reference does not show or disclose a method for preventing the deletion of a data object from a first computing device during synchronization processes that try to automatically delete such objects when the corresponding object is unavailable on the second computing device.
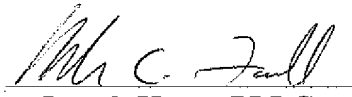
Since Chase does not show or disclose all the elements of Applicant's claim 5, Applicant suggests that Claim 5 is allowable over the Chase reference.

CONCLUSION

Applicant respectfully suggests that claims 1-5 are in condition for allowance. Applicant respectfully requests reconsideration and issuance of the subject application. Should any matter in this case remain unresolved, the undersigned attorney respectfully requests a telephone conference with the Examiner to resolve any such outstanding matter.

Respectfully Submitted,

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